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February 12, 2019

Dear Commissioner Burman:

On January 31, 2019, historic legislation was passed by the Arizona Legislature and signed into law by Governor Ducey, authorizing the Director of the Arizona Department of Water Resources to enter into the Agreement Concerning Colorado River Drought Contingency Plan Agreement and Lower Basin Drought Contingency Plan Agreement with the United States and parties in California and Nevada (“Agreements”).

The only remaining actions necessary to complete the Agreements, as referenced in the Arizona legislation, are authorization by Congress for the Secretary of the Interior to execute and implement the Agreements, and authorization of all parties to execute the Agreements. Completion of those remaining steps would put all parties to the Agreements on the same footing as that achieved by Arizona on January 31.

Being respectful of your January 31 deadline for completion of the interstate Drought Contingency Plan (“DCP”), all of Arizona came together to support the authorizing legislation, resulting in a near unanimous vote in the Arizona Legislature. Arizona considers itself to be “done” with respect to the interstate Agreements as of January 31, 2019.

We appreciated the congratulatory words for Arizona that you expressed in your February 1 press conference, but we were disappointed at the characterization of Arizona being “not done” with respect to the January 31 deadline. The posting of the Federal Register Notice, the press release on Reclamation’s website and your comments had the unfortunate effect of diminishing the landmark achievement in Arizona and creating unspecified new milestones for Arizona to accomplish to execute the interstate Agreements.

The deferral of the comment period under the February 1 Federal Register Notice to March 4 did little to offset those deleterious effects. A new deadline creates continued uncertainty for Arizona as it endeavors to complete work on the intrastate agreements necessary to implement the Lower Basin DCP in Arizona.

Governor Ducey, the Arizona State Legislature, the Central Arizona Water Conservation District Board of Directors, the Arizona Department of Water Resources, the Arizona DCP Steering Committee and other Arizona stakeholders have committed substantial resources in terms of time, money and water to make DCP happen, and they will continue to demonstrate the same leadership in finalizing the details of implementing DCP within Arizona.

Although several intrastate agreements within Arizona require additional work, Arizona’s stakeholders collectively expressed confidence in completing the intrastate process through their support of the legislation and through their explicit commitments.

We will do our utmost to complete all intrastate agreements as soon as possible, and some of them are very likely to be completed by March 4, but not because of any Federal deadline. Our efforts to complete work within Arizona are proceeding at the same time as the efforts among the Basin States and the U.S. to complete the interstate Agreements.

While deadlines can be useful to bring things to completion, the imposition of another deadline, March 4, is counterproductive and a potential distraction to completing the intrastate agreements within Arizona.

We believe that recognizing the positive progress that has been made is the best way to support Arizona and complete the implementation of DCP this year.

Sincerely,



Thomas Buschatzke
Director
Arizona Department of Water Resources



Theodore C. Cooke
General Manager
Central Arizona Project

